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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,982	07/26/2000	Shigeki Satomi	500.38821X00	8473

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/625,982

Applicant(s)

SATOMI ET AL.

Examiner

Bharat N Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 & 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim (U.S. Patent No. 6,154,777) in view of Dancs et al (U.S. Patent No. 6,385,651).

3. As to claim 1, Ebrahim discloses an online service providing system, comprising: a terminal equipment of a user requesting a service; a computer installed at each of a plurality of service points offering services; and a distributor device intervening via a network between the terminal equipment and the computers to pass the service request from the terminal equipment to one of the computers, wherein the distributor device includes: first storage means for storing information regarding each user; second

storage :means for storing a service time zone of each service point; means for referring to the second storage means and for selecting one of the service points currently in the service time zone; means for relaying communication between the terminal equipment and the service point selected (see abstract; figures 3-4; column 4 line 32 to column 6 line 57).

However, Ebrahim does not explicitly disclose that the means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered; and means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized.

Dancs et al explicitly disclose an online service providing system, comprising: a distributor device includes: means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered; and means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized (see abstract; figures 1 and 7-8; column 4 lines 9-51; column 9 lines 24-33; column 10 lines 23-47; and column 13 lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dancs et al as stated above with the an online service providing system of Ebrahim because it would have minimized the system bottleneck and improved the system, network, and user security.

4. As to claim 2, Ebrahim explicitly discloses that the service time zones of a plurality of service points allow a 24-hour continuous service (figure 6; and column 6 lines 18-29).

5. As to claim 3, Ebrahim explicitly discloses that the first storage means stores a call identifier of each user associated with the terminal equipment (figure 3; and column 4 line 61 to column 6 line 13); and Dancs et al explicitly disclose that the distributor device determines, when receiving a call from the terminal equipment, whether or not a call identifier received from a network is beforehand registered to the first storage means and uses a result of the determination as one condition for determining an access authorization level of the user(see abstract; figures 1 and 7-8; column 4 lines 9-51; column 9 lines 24-33; column 10 lines 23-47; and column 13 lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dancs et al as stated above with the an online service providing system of Ebrahim because it would have minimized the system bottleneck and improved the system, network, and user security.

6. As to claim 4, Ebrahim explicitly discloses that when a service time zone of a first service point directly succeeds a service time zone of a second service point, the first service point transfers data updated by the first service point to the second service point by when the service of the first service point is replaced with the service of the second

service point and also transfers a transaction received by the first service point to the second service point (figures 3 and 6-7; column 4 line 61 to column 6 line 57).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebrahim (U.S. Patent No. 6,154,777).

Ebrahim's patent meets all the limitations for claims 5-13 recited in the claimed invention.

9. As to claim 5, Ebrahim explicitly discloses a distributor device for use with an online service providing system for selecting, when a service request is received from an external device, one of a plurality of service points offering services and for passing the request thereto, comprising: storage means for storing a service time zone of each service point; means for referring to the storage means and for selecting one of the

service points currently in the service time zone; and means for relaying the service request to the service point selected (see abstract; figures 3-4; column 4 line 32 to column 6 line 57).

10. As to claim 6, Ebrahim explicitly discloses that the service time zones of a plurality of service points allow a 24-hour continuous service (figure 6; and column 6 lines 18-29).

11. As to claims 7-8, Ebrahim explicitly discloses that the second storage means for registering a call identifier; and means for controlling, when a call identifier of an originator of the service request is beforehand registered to the second storage, operation of relaying the service request to a service point (figures 3-4; and column 4 line 32 to column 6 line 17); and also discloses that the storage means stores a service time zone and a service type of each service point, the device further including means for referring to the storage means and selecting one of the service points which matches in a service type with the service request and which is currently in the service time zone (figures 3 and 6-7; column 4 line 61 to column 6 line 57).

12. As to claims 9-13, they are also rejected for the same reasons set forth to rejecting claims 5-8 above, since claims 9-10 are merely an program product and claims 11-13 are merely a method of operation for the online service providing system defined in the apparatus claims 5-8.

Additional References

13. The examiner as of general interest cites the following references.
- a. Merriman et al, U.S. Patent No. 5,948,061.
 - b. Takeda et al, U.S. Patent No. 5,701,412.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

February 18, 2004


BHARAT BAROT
PRIMARY EXAMINER